

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

**ANNETTE C. BLAIR, as Administratrix)
of the Estate of JAMES RAY BLAIR,)
JR., Deceased, TINA HITCHCOCK,)
and HANNAH SMITH,)**

Civil Action No. _____

Plaintiffs,

v.

**WHITETAIL VESSEL COMPANY,
LLC, et al.**

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1367, 1441(a), 1441(b), and 1446, Defendants Whitetail Vessel Company, LLC, Inland Marine Service, Inc., and Joseph Baer (collectively, “Defendants”) hereby give notice of their removal of this action from the Circuit Court for Jackson County, Alabama to this Court. The grounds for removal are set forth in the following paragraphs:

1. At all relevant times hereto, Defendant Whitetail Vessel Company, LLC, was the owner, and Defendant Inland Marine Service, Inc., was the operator and owner *pro hac vice*, of the M/V Bobby Thompson (Official No. 518256).
2. At all relevant times hereto, Defendant Joseph Baer was employed by Inland Marine Service, Inc. as a vessel Captain.
3. On or about April 18, 2022, Plaintiffs filed suit against Defendants in the Circuit Court for Jackson County, Alabama, Case No. 39-CV-2022-900047. The Complaint alleges that, on or about August 7, 2021, Decedent James Ray Blair, Jr. and Plaintiffs Tina Hitchcock and Hannah Smith were the occupants of a 14-foot recreational vessel on

- the Tennessee River, near the AL-117 bridge in Jackson County, Alabama. (Compl., ¶10). The Complaint alleges the M/V Bobby Thompson collided with the pleasure craft and that the collision resulted in the death of Decedent James Ray Blair, Jr. and injuries to Plaintiffs Tina Hitchcock and Hannah Smith. (Compl., ¶¶11-12, 14-15).
4. Each of the Plaintiffs are citizens of and domiciled in Jackson County, Alabama. (Compl., ¶¶1-3).
 5. Defendant Whitetail Vessel Company, LLC received formal service of the Complaint on April 22, 2022.
 6. At all times relevant hereto, Whitetail Vessel Company, LLC was and is a Kentucky limited liability company having its principal place of business in Paducah, McCracken County, Kentucky.
 7. At all times relevant hereto, Whitetail Vessel Company, LLC's sole Member was and is Jeff L. James, who is a citizen of and domiciled in Paducah, McCracken County, Kentucky.
 8. Defendant Inland Marine Service, Inc. received formal service of the Complaint on April 25, 2022.
 9. At all times relevant hereto, Defendant Inland Marine Service, Inc. was and is a Kentucky corporation having its principal place of business in Hebron, Boone County, Kentucky.
 10. Defendant Joseph Baer has not yet received formal service of the Complaint.
 11. At all times relevant hereto, Defendant Joseph Baer was and is a citizen of and domiciled in Covington, Kenton, County, Kentucky.

12. A true and accurate copy of the entire state court file as it existed on May 20, 2022 including Civil Cover Sheet, Complaint, Summonses, Plaintiff's First Interrogatories and Requests for Production of Documents addressed to Defendants, returns of service, and Verified Application for Admission to Practice Under Rule VII of the Rules Governing Admission to the Alabama State Bar are attached hereto as Exhibit "A." No other pleadings, process or orders have been served upon or received by Defendants.
13. In accordance with the requirements of 28 U.S.C. § 1446, this Notice of Removal is timely.
14. Removal of this action is proper pursuant to 28 U.S.C. §1441(a) and (b), as this Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1332. As set forth above, there is complete diversity of citizenship among the parties and none of the named Defendants are citizens of or domiciled in the State of Alabama. Further, the amount in controversy exceeds \$75,000, excluding interest and costs. This is confirmed by the prayers for relief set forth in each Plaintiffs' Verified Claim filed in the companion case for limitation of liability pending in United States District Court for the Western District of Kentucky, Paducah Division, Civil No. 5:21-cv-00129-TBR (the "Limitation Action").
15. The Tina Hitchcock Claim includes a prayer for \$4 Million in damages. (Civil No. 5:21-cv-00129-TBR, Dkt. 12). A copy of this pleading is attached and included in Exhibit "B".
16. The Hannah Smith Claim includes a prayer for \$4 Million in damages. (Civil No. 5:21-cv-00129-TBR, Dkt. 10). A copy of this pleading is attached and included in Exhibit "B".

17. The Blair Claim includes a prayer for \$7 Million in damages. (Civil No. 5:21-cv-00129-TBR, Dkt. 14). A copy of this pleading is attached and included in Exhibit “B.”
18. Based on the allegations of the Complaint, the Verified Claims in the Limitation Action where each Plaintiff claims \$4 Million and the Estate claims \$7 Million, this action is one over which this Court has original jurisdiction pursuant to 28 U.S.C. §1332, and this action is removable under 28 U.S.C. §§1441, *et seq.*; *Lowery v. Alabama Power Co.*, 483 F.3d 1184, 1211 (11th Cir. 2007)(“If the jurisdictional amount is either stated clearly on the face of the documents before the court, or readily deductible from them, the court has jurisdiction.”); *Dart Cherokee Basin Operating Co. v. Owens*, 574 U.S. 81, 135 S. Ct. 547, 190 L.Ed. 2d 495 (2014).
19. Alternatively, removal of this action is proper pursuant to 28 U.S.C. §1441(a) and (b), as this Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1331, in that the state court action constitutes a civil action brought pursuant to the general maritime law of the United States.
20. Alternatively, removal of this action is proper pursuant to 28 U.S.C. §1441(a) and (b), as this Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1333(1) as this case is a civil case of admiralty or maritime jurisdiction. *See Lu Junhong v. The Boeing Co.*, 792 F.3d 805, 815, 817-18 (7th Cir. 2015); *citing, Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock Co.*, 513 U.S. 527, 534, 115 S.Ct. 1043, 130 L.Ed.2d 1024 (1995)).
21. Alternatively, to the extent that any particular claim against any Defendant may be found not to be within this Court’s original jurisdiction, this Court has supplemental jurisdiction over any such claim pursuant to 28 U.S.C. §1367, because any such claim

would be so related to the claims within this Court's original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. 28 U.S.C. §1367.

22. Defendants shall promptly give notice to Plaintiffs of this removal and file a copy of this Notice with the Circuit Court for Jackson County, Alabama, Case No. 39-CV-2022-900047. A true and accurate copy of the Notice to be filed with the Jackson County, Alabama Circuit Court is attached hereto as Exhibit "C."

WHEREFORE, Defendants Whitetail Vessel Company, LLC, Inland Marine Service, Inc., and Joseph Baer respectfully request this action be removed from the Circuit Court for Jackson County, Alabama to this Court.

Respectfully submitted,

/s/ James S. Witcher III

James S. Witcher, III (ASB-5006-E42J)

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed this 20th day of May 2022 with the Clerk of this Court using the Court's electronic filing system which will send notification of such filing to the following and that this was served upon the following via electronic mail:

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